IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 4710 of 2005

Between:

M/s. Meda Constructions, Rep by C. Manohar Reddy,
S/o. Raghuramireddy, 46 years, Occ: Contractor, R/o. late No. 16,
Bhawa Vanam Mansion, Navodaya Colony, Yellareddiguda, Hyderabad.

..... PETITIONER

AND

1 Chief Administrative Officer, Construction, South Central Railway, Secunderabad.
2 Chief General Manager, Construction, South Central Railway, Hea Quarters, Works Branch, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus or any other appropriate writ, order or direction, declaring the action of the respondent in withholding Seinorage charges on the ordinary earth pursuant to letter No. W.44/B Vol. IV dated 25-6-2004 even after its suppression as per proceedings No. W.44/B/Vo. V dt. 15-12-2004 from bills payable to the petitioner pursuant to agreement No. 162/CAO/CSC 12004 dt. 23-8-2004 as illegal and arbitrary without any validity of law and consequently direct the respondents to refund the Seinorage charges deducted from the bills payable to me together with interest and pass such other or further orders.

Counsel for the Petitioner: MR.N.SUBBA RAO

Counsel for the Respondents: MRS. C.V. VINITHA REDDY.

This Court at the admission stage made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.4710 OF 2005

ORDER :

It is represented by the learned Counsel for both the parties that the question involved in this writ petition is squarely covered by the decision rendered by this Court in W.P.No.21401 of 2004 and batch, dated 23-03-2005, wherein it has been held as under :

> *"In the light of the decision taken by the respondents under the letter dated 15-12-2004, I am of the view that the seigniorage charges on "ordinary earth" in respect of the works entrusted to the petitioners under the respective agreements cannot be recovered. Accordingly, the Writ Petitions are disposed of directing the respondents not to withhold any seigniorage charges on ordinary earth from the on account and final bills of the petitioners in respect of the works entrusted to them under the Agreements in question. However, if the amounts are already deducted, it is for the petitioners to work out the appropriate remedy for refund of the same. It is also made clear that this shall not preclude the State Government to recover the seigniorage charges directly from the petitioners, in case any such decision is taken, following due process of law.*
>
> *All the Writ Petitions are accordingly disposed of. No costs."*

The writ petition is accordingly disposed of in terms of the above order dated 23-03-2005 in W.P.No.21401 of 2004 and batch. No costs.

_____

23rd March, 2005.

ghn

To

1 Chief Administrative Officer, Construction, South Central Railway, Secunderabad.

2 Chief General Manager, Construction, South Central Railway, Hea Quarters, Works Branch, Secunderabad.

3 Two CD copies.